

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL DOCKET NO.: 5:03CR6**

UNITED STATES OF AMERICA

vs.

BAXTER SMITH JAMES (3),

Defendant.

)
)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER is before the Court on Defendant's "Motion to Disclose Presentence Report to Appellate Counsel," filed March 14, 2006.

Defendant, through counsel, seeks authorization for release of certain non-public materials in order to better prosecute his appeal before the United States Court of Appeals for the Fourth Circuit. Upon a showing of good cause and with consent of the Government, the Motion will be granted. However, Defendant and his counsel are instructed that the Presentence Report is being disclosed for the sole purpose identified within the instant Motion and this Order. Upon the conclusion of Defendant's appeal before the Fourth Circuit Court of Appeals, the Presentence Report should either be retained in counsel's files or destroyed.

IT IS, THEREFORE, ORDERED that Defendant's "Motion to Disclose Presentence Report to Appellate Counsel," is hereby **GRANTED**. Accordingly, the United States Probation Department is authorized to release a copy of Defendant James' Presentence Report to Attorney Stephen C. Gordon.

The Clerk is directed to forward a copy of this Order to Defendant's attorney, the United States Attorney, and United States Probation Office.

Signed: August 3, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line drawn through the middle of the letters.

Richard L. Voorhees
United States District Judge

